

REMARKS

In the outstanding Office Action, claims 24-25, 27-41 and 43-46 were again rejected under 35 U.S.C. §102(b) over OUCHI (JP 2000181784). A detailed Response to Arguments section was provided at pages 8-9 of the Office Action, addressing the arguments and amendments presented in Applicants' 1.114 Submission filed on December 11, 2009.

Applicants traverse the rejection of claims under 35 U.S.C. §102(b) over OUCHI. As noted in Applicants' several previous Responses/Amendments/Submissions, OUCHI is itself a Japanese-language document, and Applicants' remarks herein are therefore based upon a review of the machine-generated English translation and Abstract of OUCHI supplied by the Examiner. OUCHI discloses using the size of data, and particularly the number of sector regions to which data is to be written, when determining where to write data of a file received from outside. The consideration of size of data in determining where data will be stored in OUCHI is acknowledged in the Office Action by the Examiner at page 9.

Upon entry of the present amendment, claim 24 will have been amended to recite that a controller is operable to control access to the first or second recording area according to the received command and without regard to size of the received data. Also, upon entry of the present amendment, claim 41 will have been amended to recite that either one of the first and second recording areas is selected as data writing area depending on data type of the received data and without regard to size of the received data. The herein-contained amendment and cancellations should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejection. Rather, Applicants have amended claims to advance prosecution and obtain early allowance of claims in the present application.

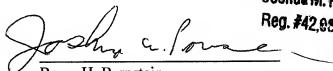
As noted above, OUCHI discloses using the size of data, and particularly the number of sector regions to which data is to be written, when determining where to write data of a file received from outside. Accordingly, the amended features of claims 24 and 41 place these claims squarely out of the Examiner's interpretation of OUCHI.

For the reasons set forth herein and in Applicants' previous Responses/Amendments/Submissions, OUCHI does not explicitly or inherently disclose the features of amended claims 24 and 41. Therefore, OUCHI does not disclose "each and every" feature of independent claims 24 and 41, as would be required for claims 24 and 41 to be properly rejected over OUCHI under 35 U.S.C. §102. Therefore, independent claims 24 and 41 are allowable under 35 U.S.C. §102 over OUCHI. Dependent claims 25, 27-40 and 43-46 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Any amendments to the claims in this Amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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April 14, 2010  
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